

## **REMARKS/ARGUMENTS**

### **I. Status of the Case**

In an Office Action dated March 20, 2007 (“the Office Action”), the Examiner rejected claims 10-18 under 35 U.S.C. § 103. The current Office Action is non-final.

### **II. Applicant's Response to the Rejections and Objections**

#### **A. Claim Objections**

Regarding claim 10, the Examiner's objection to the term “the remote control” has been addressed by more clearly phrasing that the device is for an activity. Also, the objected-to term “the security” has been deleted.

Regarding claim 17, the Examiner's objections to the term “the operation” has been clarified to be “an actuator's operation.” The objected-to terms “the security,” “the comfort,” and “the monitoring” have been deleted.

#### **B. Claim Rejections under 35 U.S.C. § 103.**

Claims 10-13 and 16-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Flick in view of Gosling. Claims 14-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Flick in view of Gosling as applied to Claim 13, and in further view of Esfahani et al. In light of the amendments presented above, applicant respectfully requests removal of the rejection.

### **A. The Claim Amendments Justify Allowance**

The Official Action of March 20, 2007 found that the limitation “a transfer of programs that alter the operation of the actuator/sensor from the remote” that applicant had relied on was not clearly stated in the claims. See March 20, 2007 Official Action, at 4. Applicant’s amendment to the independent claims 10 and 17 now specifically recite that the transferred programs *alter* the operation of the actuator having a sensor.

Applicant has also amended claims 10 and 17 to from an actuator “and/or” a sensor to an actuator and a sensor. This further distinguishes the invention from the prior art.

The claims are yet further distinguished from the prior art because the sensors are associated with the control of the actuator.

Unlike Flick and Gosling, the information transferred in the present claims is in the form of executable programs that alter the operation of the actuator having a sensor, the sensor being associated with the control of the actuator. In the present invention, a sensor can be, but is not limited to being, of the type for detecting intrusion, movement, smoke, temperature or are of the meteorological type (wind, sun, etc.), or even of the monitoring type. See Specification, at 1.

Flick does not disclose the use of executable programs at all. The programs in Gosling allow the remote to function as a remote, but do not relate to an actuator having a sensor.

The applicant submits that the claim 10 and 17 clearly recite novel and non-obvious subject matter which distinguishes over any possible combination of Flick and Gosling.

**B. The Dependent Claims Are Patentable Over the Cited Combinations of Prior Art.**

The previously presented dependant claims 11-16 and 18 incorporate all the subject matter of either claim 10 or 17 and add additional subject matter which makes them patentable over the cited combination of prior art references for the reasons stated above. Applicant submits that claims 11-16 and 18 are more than combinations of previously disclosed technology and clearly recite novel subject matter which distinguishes over any possible combination of the cited references.

**III. Closing Remarks**

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application; the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely

missing, the Commissioner is authorized to charge the unpaid amount to Deposit  
Account No. 23-0920.

Respectfully submitted,

By /s/Erik B. Flom  
Erik B. Flom  
Reg. No. 41,021

Dated: June 14, 2007

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